

REMARKS

The Final Office Action dated December 15, 2008 issued by the Examiner and the citations referred to in the Final Office Action have been carefully considered. Claims 1, 2, 5-13, and 16-19 are pending.

Claim Rejections - 35 U.S.C. § 103(a)

The Office Action rejected claims 1, 2, 5, 10-13, and 19 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application Publication No. U.S. 2005/0028208 to Ellis et al. ("Ellis") in view of U.S. Patent Application Publication No. 2002/0078441 to Drake et al. ("Drake"). Applicants submit that these rejections should be withdrawn in view of the arguments discussed below.

Claim 1

With respect to claim 1, the Final Office Action admits that Ellis does not teach:

- (1) receiving multicast information in response to said query, wherein said multicast information indicates a multicast address and port which is used to multicast said media object through the multicast group to the remote device from the host device;
- (2) resolving said multicast address and port information to identify attributes of said media object;
- (3) joining the multicast group with said received multicast information to receive said media object; and
- (4) a leave command to the host device to remove said remote device from multicast group. See Office Action, page 3.

The Examiner contends that Drake as combined with Ellis provides a teaching of each of these recitations. As discussed below, Applicants submit that Drake does not provide teachings for all of the elements missing from Ellis and that the rejection of claim 1 should be withdrawn.

Receiving Multicast Information

With respect to receiving multicast information in response to a query, the Final Office Action cites to paragraph [0041] of Drake, which states "[t]he viewer authorization detector component can monitor STBs that are receiving content in order to verify that they are authorized STBs and that they are authorized to receive their current content, such as by analyzing interaction events received from those STBs, detecting when expected interaction events are not received from those STBs, and/or querying those STBs periodically to provide identification and /or authorization information." The querying of particular STBs to make sure that the STBs are authorized is simply not "receiving multicast information in response to a query." For example, Drake provides no teaching that the STBs that are queried provide information particular to a *multicast*, i.e., a multicast address and port.

The Final Office Action goes on to state that Drake teaches a multicast address and port by citing to Figure 3 of Drake. See Office Action, page 4. However, claim 1 is not just providing a recitation of a multicast address and port. On the contrary, claim 1 is reciting that the multicast address and port is received in response to a query. The citations of Drake provided by the Final Office Action do not indicate that the multicast information is received in response to a query. Further, the citations of Drake regarding the query only indicate a query of identification and/or authorization information, not multicast information, i.e., a multicast address and port.

Therefore, Drake does not provide a teaching of "receiving multicast information in response to said query, wherein said multicast information indicates a multicast address and port which is used to multicast said media object through the multicast group to the remote device from the host device" as recited by claim 1.

Leave Command

With respect to a leave command to the host device to remove said remote device from multicast group, Applicants respectfully submit that the device that issues the leave command, i.e., the monitoring device, allows for the parental monitoring as recited in claim 1. For example, a parent that is viewing a monitoring device can provide a leave command to a host device

so that a remote device viewed by a child can be removed from a multicast group if a media object being viewed by the child is objectionable to the parent. The section of Drake cited by the Final Office Action states “[t]hus, if STBs 122, 124, and 126 were each receiving the same channel of information via a multi-cast, STB 124 could at any time indicate to the Content Servers to change the channel and thus leave that multi-cast, such as to join a different multi-cast corresponding to the newly selected channel.” See Drake, paragraph [0024]. Accordingly, Drake is directed toward a leave command directly from the viewing device to the host device to disable content being viewed on that particular viewing device as opposed to a leave command from a monitoring device to a host device to disable content being viewed on a remote device. In other words, the section cited in Drake would require a parent to be viewing the same device with his or her child as opposed to a monitoring device that is remote from that viewing device.

Further, combining Ellis and Drake would change the **principle operation** of Ellis. Ellis teaches that “[t]he remote access program guide, for example, may provide users with an opportunity to block potentially objectionable programs or channels using a parental control code (e.g., a personal identification number (PIN) code).” See Ellis, para. [0120]. Placing a parental code on a media object still allows that object to be received, i.e., a program can still be viewed if the parental code is entered. On the contrary, a leave command prevents the remainder of a program from being received. According to MPEP § 2143.01(VI), “[i]f the proposed modification or combination of the prior art would change the principle operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” See MPEP § 2143.01(VI) (citing *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)). Further, MPEP § 2143.01(VI) explains that the court in *Ratti* held the “suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate.” See MPEP § 2143.01(VI) (citing *In re Ratti*, 270 F.2d 813, 123 USPQ 352 (CCPA 1959)). The basic principle of a parental code in Ellis would have to be changed and Ellis would have to be substantially reconstructed and redesigned to provide a leave command rather than a parental code.

Therefore, Applicants submit that the teachings of Ellis and Drake are not sufficient to render claim 1 prima facie obvious. Accordingly, Applicants submit that the rejection of claim 1 should be withdrawn.

Claims 2, 5 and 10-11

Claims 2, 5, and 10-11 depend from claim 1 and are allowable for similar reasons to those discussed with respect to claim 1. Therefore, Applicants submit that the rejection of claims 2, 5, and 10-11 should be withdrawn.

Claim 12

Independent claim 12 is allowable for similar reasons to those discussed with respect to independent claim 1. Accordingly, Applicants submit that the rejection of claim 12 should be withdrawn.

Claims 13 and 19

Claims 13 and 19 depend from claim 12 and are allowable for similar reasons to those discussed with respect to claim 12. Therefore, Applicants submit that the rejection of claims 13 and 19 should be withdrawn.

Claim Rejections - 35 U.S.C. § 103(a)

The Office Action rejected claims 6, 7, 16, and 17 under 35 U.S.C. § 103(a) as being obvious over Ellis in view of Drake and in further view of U.S. Patent No. 6,774,926 to Ellis ("US'926"). Applicants submit that these rejections should be withdrawn in view of the arguments discussed below.

Claims 6 and 7

Claims 6 and 7 depend from claim 1 and are allowable for similar reasons to those discussed with respect to claim 1. Therefore, Applicants submit that the rejection of claims 6 and 7 should be withdrawn.

Claims 16 and 17

Claims 16 and 17 depend from claim 12 and are allowable for similar reasons to those discussed with respect to claim 12. Therefore, Applicants submit that the rejection of claims 16 and 17 should be withdrawn.

Claim Rejections - 35 U.S.C. § 103(a)

The Office Action rejected claims 6, 7, 16, and 17 under 35 U.S.C. § 103(a) as being obvious over Ellis in view of Drake and in further view of "Request for Comments 3266; Updates 2327, Network Working Group, June 2002," published by Olson et al. ("Olson"). Applicants submit that these rejections should be withdrawn in view of the arguments discussed below.

Claims 8 and 9

Claims 8 and 9 depend from claim 1 and are allowable for similar reasons to those discussed with respect to claim 1. Therefore, the rejection of claims 8 and 9 should be withdrawn.

Claim 18

Claim 18 depends from claim 12 and is allowable for similar reasons to those discussed with respect to claim 12. Therefore, Applicants submit that the rejection of claim 18 should be withdrawn.

Having fully addressed the Examiner's objections and rejections, it is believed that this patent application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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